



### REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated March 30, 2005.

The Examiner has objected to the drawings. Reconsideration of the objection is respectfully requested.

Since the claims do not, as now amended, include the feature of the setting means decreasing the set memory capacity when the judgment means judges that it is impossible to transmit the recorded information, it is respectfully submitted that this ground, which was named as the basis for the Examiner's objection, (see Office Action, page 4), has been overcome, and, thus, the objection has been overcome.

The disclosure has been objected to based upon unamended claims 9-10 and 17-20. It is respectfully requested that the objection be reconsidered.

Claims 9-10 and 17-20 have been canceled, without prejudice or disclaimer, and new claims 21-26 have been added so that the cited features are no longer included in the claims. Thus, the objection to the disclosure has been overcome.

Claims 9, 10 and 17-20 were rejected under 35 U.S.C. §112, first paragraph. Reconsideration of the rejection is respectfully requested.

Claims 9-10 and 17-20 have been canceled, without prejudice or disclaimer, and new claims 21-26 have been added. Claims 21-26 do not include the feature of "decreasing the set memory capacity when it is judged that it is impossible to transmit the recorded information," (Office Action, page 5, lines 9-10), indicated by the Examiner to be the basis for the rejection.

Regarding the Examiner's suggestion that Applicant add a further figure to the drawings, Applicant has instead enclosed proposed amendments to Figs. 3 and 4, which the Applicant respectfully submits accomplish the aim of the Examiner in proposing an additional drawing. See the parenthetical text in Step S08 of Fig. 3 and in Fig. 4.

In view of the foregoing remarks, the allowance of claims 21-26 is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow claims 21-26 and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2005

Max Moskowitz

Name of applicant, assignee or  
Registered Representative

Signature

June 30, 2005

Date of Signature

MM/MIM:lac

Respectfully submitted,

Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700



**AMENDMENTS TO THE DRAWINGS**

Please find enclosed replacement sheets for Figs. 3 and 4 containing amendments for the approval of the Examiner.